

Remarks

Claims 1-20 are presented for Examiner Webb's consideration.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

The Examiner should note that Applicants have amended the claims in several respects. Applicants have added language restricting the components to a limited number of materials and have explicitly excluded the presence of cellulosic materials in the inventive materials. Further, Applicants have added the possible inclusion of binders and/or surfactants. Applicants respectfully submit that no new matter has been added through these amendments and that support for these changes may be found throughout the specification. For instance, support for the changes may be found in the text which describes the combined weight percentages of the thermoplastic fibers and superabsorbents to total 100% of the weight of the material on page 3, lines 2 to 7. The proposition that the total weight of the material is intended to be consisting of essentially superabsorbents and thermoplastic fibers (and optionally binders and/or surfactants) is also supported by the examples on pages 15 to 19.

While the Jackson reference that is cited by the Examiner describes the use of between 3 and 30 percent pulp, it also describes the use of additional fine wettable fibers (5 to 20 percent). The fine wettable fibers, which are described in detail at col. 5, lines 5-52, are disclosed as cellulose acetate fibers or acrylic-based fibers. It is not believed that such fibers are described as crimped.

By way of the Office Action dated May 9, 2003, Examiner Webb rejected claims 1-8 and 11-20 under 35 U.S.C. 103(a) as being unpatentable over Jackson et al. (5,350,370) in view of Mukaida et al. (5,672,419). This rejection is traversed to the extent it is applied to the currently written claims.

It is respectfully submitted that the focus of the Jackson reference is on pulp containing material and that its use as the base reference in an obviousness rejection for the current claims, is improper for at least this reason. The Examiner's attention is directed to col. 2, lines 29-37, lines 45-50 and col. 3, lines 31-35 in this regard. While the Jackson reference discloses the use of synthetic cellulose counterparts, it does not provide detailed descriptions as to these materials.

Applicants submit that while the Mukaida reference has disclosed the ability to use either cellulose-based natural fiber or thermofusible bicomponent fibers for the "Mukaida" purpose, it would be improper to assume that such interchangeability would be appropriate for all uses. See in this regard the enclosed tables 3 and 6 from the text Absorbency, edited by Pronoy K. Chatterjee, Number 7 in the Series of Textile Science and Technology, 1985. One can see from the tables a real distinction in moisture regain for cellulosic fibers vs. man made fibers. Clearly, such fibers would not be

substitutable for all purposes. The Examiner has also asserted that Jackson discloses that the use of pulp fiber can be in crimped form, and cites col. 6, lines 10-12 for support. It should be noted that the cited line reference alludes to binders as staple fibers, as opposed to pulp.

Nevertheless, given the current amendment to the claims, the current claim language has removed the possible inclusion of cellulosic components in the material, and has provided for a material with crimped thermoplastic fibers. It is therefore respectfully submitted that the Jackson reference, which relies on pulp, fine wettable fibers, absorbent materials and some optional additives for its primary composite composition, would not be an appropriate base reference, since it provides for the inclusion of multiple types of fibers, one of which is desirably pulp (which is not believed to be described as crimped), the other of which is not described as being crimped. For these reasons, Applicants respectfully submit that it would be improper to combine the references as suggested, and further, even if one were to combine the references, one would not obtain the current subject of the claims. For these reasons, the rejection should be withdrawn. Also, for at least the foregoing reasons, the Examiner's specific rejections over the Jackson and Mukaida references in connection with claims 3, 7 and 8, 11 and 12-15 should likewise be withdrawn.

By way of the same Action the Examiner rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Jackson et al. (5,350,370) and Mukaida et al. (5,672,419) and further in view of Pike et al. (5,382,400). This rejection is traversed to the extent it is applied to the currently written claims. For at least the foregoing reasons, neither the Jackson nor Mukaida references can be appropriately combined to render claim 1 obvious, and therefore the rejection should be withdrawn.

By way of the same Action the Examiner rejected claim 10 under 35 U.S.C. 103(a) as being unpatentable over Jackson et al. (5,350,370) and Mukaida et al. (5,672,419) and further in view of Tsai (5,401,446). This rejection is traversed to the extent it is applied to the currently written claims. For at least the foregoing reasons, neither the Jackson nor Mukaida references can be appropriately combined to render claim 1 obvious, and therefore the rejection should be withdrawn.

For all of the foregoing reasons, Applicants therefore most respectfully request that the rejections be withdrawn. Applicants assert that the claims are in condition for allowance.

A Petition for a Two Month Extension of Time has been filed contemporaneously with this action, extending the time to respond to October 9, 2003. An RCE and IDS has been filed with this Amendment.

Should the Examiner feel that any issues remain unresolved, she is encouraged to call the undersigned at:(770)-587-8646.

Appl. No. 09/728,242
Amdt. dated October 9, 2003
Reply to Office Action of May 9, 2003

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

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